IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH JAIPUR

JUDGMENT

S.B. CIVIL MISC. APPEAL NO.1128/2005
SMT. SHAKUNTALA DEVI V. HAR LAL AND OTHERS

DATE OF ORDER :::::: OCTOBER 27, 2006

PRESENT

HON'BLE MR. JUSTICE PREM SHANKER ASOPA

Mr. Vinay Mathur, for the appellant
Ms. Archna Mantri, for the respondents

The instant appeal for enhancement of the compensation has been filed by the claimant challenging the Award dated 05.01.2005 passed by the Judge, Motor Accident Claims Tribunal, and Addl. Distt. Judge (Fast Track) No.3, Jaipur Distt. Jaipur in Claim Petition No. 611/2004 whereby compensation amounting to Rs.2,26,575/- has been awarded. The claimant-appellant has also challenged the condition imposed by the Tribunal in the last operative paragraph that before disbursement of the amount to the claimant a security be obtained from owner of the vehicle.

The facts of the case, in brief, are that on 09.08.1998 when the claimant along with her family members was going to Khatu Shyamji, at about 8 p.m. the Jeep collided with a tractor, as a result of which the claimant sustained injuries.

The Tribunal has assessed a sum of Rs.15,000/- as house hold contribution,for 50% permanent disability, physical and mental suffering has assessed Rs.75,000/-,for loss of income Rs.1,27,500/-, for nutritious food Rs.5,000/-, for medicines Rs.13,975/- and for transportation Rs.5,100/-. Thus, in all,a sum of Rs.2,26,575/- has been awarded.

Submission of the learned counsel for the appellant is that the house hold contribution of Rs.15,000/- is on the lower side. On other heads also, compensation has not been properly awarded. Mr. Vinay Mathur, on the issue of security relied on the judgment dated 05.9.2006 in S.B.C.M.A. No.49/2006 Sharif V. Karan Singh and others

Ms. Archna Mantri, learned counsel for the Insurance Co. opposed enhancement and submitted that Award of Rs.15,000/- for house hold contribution as well as compensation amounting to Rs.75,000/- considering 50% permanent disability is legal, just

and proper.

I have heard learned counsel for the appellant, perused the impugned Award and further considered rival submissions of the counsel for the parties.

I am of the view that there is no error in computation of the compensation by the Tribunal and the compensation awarded by the Tribunal is legal, just and proper.

As regards the condition imposed by the Tribunal, I am of the view that the said condition is onerous and this Court in many other cases has waived such condition. Therefore, the condition of disbursement of the compensation on security by the owner of the vehicle is quashed.

The appeal is partly allowed.

(PREM SHANKER ASOPA),J.

GOPAL